

JUDGE BATTIS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NUMBER:

ROSS WEIL, Individually and
BRETT ROYCE, Individually

Plaintiffs,

v.

AMERICAN UNIVERSITY, a District
of Columbia nonprofit corporation

Defendant.

07 CIV 7748

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, ROSS WEIL ("WEIL") and BRETT ROYCE ("ROYCE") (herein referred "WEIL" and "ROYCE" shall be collectively referred to as "PLAINTIFFS"), by and through the undersigned counsel hereby sues Defendant, AMERICAN UNIVERSITY, a District of Columbia nonprofit corporation ("AMERICAN") and states in support thereof:

PARTIES

1. WEIL is a resident of the County of New York, State of New York, residing at 155 East 29th Street, Apt. 18-D, New York, New York 10016.
2. ROYCE is a resident of the County of New York, State of New York, residing at 205 3rd Avenue, Apt. 7-G, New York, New York 10003.
3. AMERICAN is a District of Columbia nonprofit corporation doing business in Washington, D.C. at 4400 Massachusetts Avenue, NW, Washington, D.C. 20016.

JURISDICTION AND VENUE

4. WEIL and ROYCE, individually, are requesting damages in excess of Seven Hundred and Fifty Thousand Dollars (\$750,000.00).

5. This Court has jurisdiction as there is diversity of citizenship between the Plaintiffs and Defendant and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), excluding interest, attorney's fees and costs.

6. Venue is proper under 28 U.S.C. §1391(a) as substantial part of the events or omissions giving rise to claims that occurred in New York.

BACKGROUND

7. The Defendant AMERICAN owned and published a certain newsletter known as the "American University Spring Alumni Newsletter" 2007 (hereinafter referred to as the "Newsletter").

8. On Page 46 in the Newsletter in the Class Notes Section, there were defamatory statements made against the Plaintiffs by the Defendant(see Exhibit "A" attached hereto).

9. The Newsletter is published quarterly, has a large circulation to the Alumni community of AMERICAN and is sent to Alumnus throughout the Country and in the State of New York.

10. On June 29, 2007, a demand was made on Defendant, by Plaintiffs, for an agreed upon figure, said demand was rejected.

COUNT I

ROSS WEILS' DEFAMATION CLAIM AGAINST AMERICAN

11. WEIL realleges and reavers paragraph 1 through 10 as if more fully set forth herein.

12. In the Spring, 2007 Edition of the American University Alumni Newsletter, AMERICAN published and circulated a false, defamatory, malicious, and libelous article of and concerning the PLAINTIFFS, a copy of which is attached hereto as Exhibit "A," which article contains *inter alia* the following:

"Ross Weil, Kogod/BS, was named chief operating officer of the Gay Rights Brigade, which lobbies for constitutional amendments providing for homosexual privacy and marriage rights. He married his life-partner; Brett Royce, SIS/BA '01, on June 10, 2006, in Boston. Ross lives in New York.

13. The Defendant published a false and defamatory of fact regarding WEIL in the Newsletter to third parties.

14. The Newsletter was published and sent in New York, throughout the United States and the world.

15. WEIL is entitled and requests actual and punitive damages.

16. The damages are presumed, as this matter is *libel per se* under New York law.

17. The false statements in the Newsletter imputes homosexual behavior between WEIL and ROYCE.

18. There are false statements in the Newsletter about WEIL's occupation and business.

19. This false publication has damaged and affected WEIL.

20. AMERICAN has acted in malice, reckless and gross negligence manner regarding the truth about WEIL.

21. AMERICAN has acted without regard of the truthful facts regarding WEIL.

22. That by reason of the foregoing, WEIL has suffered damages and requests damages amount in excess of Seven Hundred and Fifty Thousand Dollars (\$750,000.00) to be determined upon the trial of this action before a Jury.

WHEREFORE, ROSS WEIL demands judgment against AMERICAN UNIVERSITY in an amount to be determined in excess of Seven Hundred and Fifty Thousand Dollars (\$750,000.00) upon the trial of this action, together with the attorneys' fees, costs and interest from the date of the false publication and such other and further relief as this Court deems just

and proper.

COUNT II

BRETT ROYCE'S DEFAMATION CLAIM AGAINST AMERICAN

23. ROYCE realleges and reavers paragraph 1 through 22 as if more fully set forth herein.

24. In the Spring, 2007 Edition of the American University Alumni Newsletter, AMERICAN published and circulated a false, defamatory, malicious, and libelous article of and concerning the PLAINTIFFS, a copy of which is attached hereto as Exhibit "A," which article contains *inter alia* the following:

"Ross Weil Kogod/BS, was named chief operating officer of the Gay Rights Brigade, which lobbies for constitutional amendments providing for homosexual privacy and marriage rights. He married his life-partner; Brett Royce, SIS/BA '01, on June 10, 2006, in Boston. Ross lives in New York.

25. The Defendant published a false and defamatory of fact regarding ROYCE in the Newsletter.

26. The newsletter was published and sent in New York, throughout the United States and the world to third parties.

27. ROYCE is entitled and requests actual and punitive damages.

28. The damages are presumed, as this matter is libel *per se* under New York law.

29. The false statements in the Newsletter imputes homosexual behavior between WEIL and ROYCE.

30. This false publication has damaged and affected ROYCE.

31. AMERICAN has acted in malice, reckless and gross negligence manner regarding the truth about ROYCE.

32. AMERICAN has acted without regard of the truthful facts regarding ROYCE.

33. That by reason of the foregoing, ROYCE has suffered damages and requests damages amount in excess of Seven Hundred and Fifty Thousand Dollars (\$750,000.00) to be determined upon the trial of this action before a Jury.

WHEREFORE, BRETT ROYCE demands judgment against AMERICAN UNIVERSITY in an amount to be determined in excess of Seven Hundred and Fifty Thousand Dollars (\$750,000.00) upon the trial of this action, together with the attorneys' fees, costs and interest from the date of the false publication and such other and further relief as this Court deems just and proper.

JURY DEMAND

PLAINTIFF demands trial by jury for all matters triable as a matter of law.

Dated this 30th day of August, 2007.

MICHAEL A. KAUFMAN P.A.

By: 

Michael A. Kaufman (MK-8752)
570 Lexington Avenue, 44th Floor
New York, New York 10022
212-759-1170 Telephone
212-658-9117 Facsimile

EXHIBIT "A"

CLASS NOTES

CLASS NOTES continued from page 41

Atlantic University. She works for the University of Miami Miller School of Medicine's Regional Campus at FAU in Boca Raton, Fla.

2001 Melanie Altarescu, SOC/BA, and Mark Jafar, SOC/BA, were married on Oct. 21, 2006. They live in New York.

Johnny Bardine, SPA/BA, graduated from Stetson University College of Law in May 2006 and has accepted a position with the Law Offices of Suzanne Wolfe Martin, an international commercial arbitration firm in Geneva, Switzerland. *Donor to: SPA Leadership Fund*

Ronald Hearn, SPA/BA, dominated his boxing opponent during a special edition of Showtime's *ShoBox: The New Generation*. Hearn turned pro in 2004 after winning the 2004 National Middleweight Championship title. He lives in Michigan.

Megan Anne Kinsey, SIS/BA, married Austin Lee Smith in Syracuse, N.Y., on Sept. 19, 2005. The couple traveled to Machu Picchu and the Yarpa River Lodge in Peru for their honeymoon. They live in Washington, D.C.

Shelby Reardon Logsdon, SPA/MPA, was appointed executive director for CHART, the Campaign for a Healthy and Responsible Tennessee, based in Nashville. CHART strives to initiate and sustain policy and cultural change that will create a tobacco-free Tennessee.

Kara Mancini, Kogod/BSBA, has earned her master's degree in education from Lesley University in Cambridge, Mass. She teaches middle school math in Boston.

dm2001dc@yahoo.com Donor to: Finance Department, KSB Dean's Discretionary Fund, AU Fund for Excellence, and Reunion Registration

Mike Mazzocco, SPA/BA, is coanchor of *usCenter 17 Today* and solo anchor of *usCenter 17 at Noon* at NBC 17 WAND-TV central Illinois. Mike accomplished a lifelong goal on Oct. 24, 2006, when he finished the go Marathon in 4:26:27. *Donor to:*

Ticket Sales and AU Fund for Excellence

Ive Menscher, SIS/MA, and Bunna married in August 2005. Geneva is a force officer in Tokyo. *Donor to: SIS Discretionary Fund*

Swanson Merckens, SOC/BA, married on Aug. 13, they live in Seattle. *Donor to: University*

ia Papadopoulos, A, won an award in news reporting 06 New England Press News Association writing contest. *Donor to: Dean's Discretionary Fund, SOC*



Ara Swanson '01 and Todd Merckens

Building Fund, AU Fund for Excellence, and Reunion Registration

Carrie Leathe Rice, SOC/BA, is a newly designated certified meeting professional (CMP). She is a meeting planner with the Casualty Actuarial Society, a nonprofit association, in Arlington, Va.

Aaron Smethurst, SIS/BA, married Ayako Kontani on Sept. 16, 2006, in Albuquerque. *Donor to: SIS Dean's Discretionary Fund*



Aaron Smethurst '01 and wife Ayako Kontani

2002 Amy Cada Anda, Kogod/BSBA, received the inaugural Rising Star Award from *Federal Computer Week* magazine on Oct. 12, 2006. Amy is a consultant-analyst for Perot Systems and lives in Arlington, Va., with her husband, Nathan.



Amy Anda '02

Donor to: KSB Dean's Discretionary Fund, AU Fund for Excellence, Young Alumni Chapter, Boston Alumni Chapter, Alumni Association Fund, Alumni Scholarship and Reunion Registration

Andrew Noyes, SOC/BA, SOC/MA'03, is a senior writer for the *National Journal's* Technology Daily covering intellectual property, privacy, civil liberties, and courts-litigation.

Anthony Vacanti, SPA/BA, is an associate at the law firm of Buckingham, Doolittle and Burroughs in Akron, Ohio. *Donor to: SPA Leadership Fund*



Anthony Vacanti '02

Ross Weil, Kogod/BS, was named chief operating officer of the Gay Rights Brigade, which lobbies for constitutional amendments providing for homosexual privacy and marriage rights. He married his life-partner, Brett Royce, SIS/BA '01, on June 10, 2006, in Boston. Ross lives in New York.

2003 Shadi Al Hourani, SIS/MA and his wife, Samah, announce the birth of their son, Abdullah, in September 2005. Shadi works at the Royal Hashemite Court of Jordan in Amman, Jordan.



Abdullah, son of Shadi Al Hourani '03

Christina Bache, SIS/BA, SIS/MA '04, married Firat Fidan, Kogod/MBA '04, on Sept. 9, 2006, in Istanbul, Turkey. She is the program coordinator for the Turkey-U.S. Public Policy Initiative at Sabanci University. He is the marketing manager at ASF Renault.



Christina Maria Bache '03/'04, and husband Firat Fidan '04



William Blanchard, CAS/BA, graduated in 2004 from the Defense Language Institute with an associate of arts degree in Arabic. He is also a certificate recipient for an Iraqi dialect course from the George C. Marshall Center for Security Studies in Germany. Currently deployed in Iraq, he plans to start an IT business in New York upon his return.

Arturo DeCastro, WCL/JD, joined Bryan Cave's Phoenix office as an associate in the firm's Environmental Client Service Group.



Arturo A. DeCastro '03

Byron Derringer, CAS/MS, has received a patent on a laser system designed to prevent airport runway incursion and detect debris. He is also the founder of Runway Technologies, a company he started to further promote his laser technology. www.runwaytechnologies.com



Byron Derringer '04

Jennifer Lin, CAS/MA, was promoted to director of Marketing and Audience Development at the Sacramento Opera.

Gregory McNeal, SPA/MPA, published the world's first book on the trial of Saddam Hussein, titled *Saddam On Trial: Understanding and Debating the Iraqi High Tribunal*. Gregory is a senior fellow in counterterrorism and international law at Case Western Reserve University School of Law. *Donor to: SPA Leadership Fund*



Gregory McNeal '03

Karyn Dobroskey Rienzi, WCL/JD, joined Rawle and Henderson's product liability section in Philadelphia as an associate. *Donor to: WCL Dean's Discretionary Fund*

Francisco Ayala Silva, SOC/MA, was named the managing editor of *Noticias Libres*, a Spanish language newspaper in Fayetteville, Ark.

Charise Van Liew, SIS/BA, is the recipient of the 2006 Linowes Leadership Award for her work with FLY, Facilitating Leadership in